

United States Court of Appeals  
Fifth Circuit

**FILED**

**UNITED STATES COURT OF APPEALS** September 20, 2007

**FOR THE FIFTH CIRCUIT**

Charles R. Fulbruge III  
Clerk

No. 05-10265

D.C. Docket No. 3:01-CV-2247-N

ALLSTATE INSURANCE CO; ET AL

Plaintiffs

ALLSTATE INSURANCE CO; ALLSTATE INDEMNITY CO; ALLSTATE PROPERTY & CASUALTY INSURANCE CO; BOSTON OLD COLONY INSURANCE CO; GLENS FALLS INSURANCE CO

Plaintiffs - Appellees

v.

RECEIVABLE FINANCE COMPANY LLC; ET AL

Defendants

ACCIDENT & INJURY PAIN CENTERS INC, doing business as Accident & Injury Chiropractic; RECEIVABLE FINANCE COMPANY LLC; ROBERT SMITH; LONE STAR RADIOLOGY MANAGEMENT LLC; WHITE ROCK OPEN AIR MRI LLC, doing business as White Rock Open MRI; NORTH TEXAS OPEN AIR MRI LLC, doing business as North Texas Open MRI, doing business as Harris County MRI, doing business as Bexar County MRI; REHAB 2112 LLC; METROPLEX PAIN CENTER INC, doing business as Lone Star Radioloty; LACIDEM MANAGEMENT; STEVEN SMITH; TINA CHESHIRE; JAMES LAUGHLIN, DO; DEE L MARTINEZ, MD; THOMAS RHUDY, DC; LOUIS SAUCEDO, DC; KENNETH LUSTIK, DC; MARK RAYSHELL, DC; LARRY PARENT, DC; CHRISTOPHER HOLOWISKI, DC; CAREY FABACHER, DC; PATRICIA JOHNSON, DC; GHOLAMREZA ASSADOLAH, DC; KYLE CAMPBELL, DC; CHAD BLACKMON, DC; RAMESH SANGHANI, DC; MARLON D PADILLA, MD PA; MARLON PADILLA, MD

Defendants - Appellants

Appeals from the United States District Court for the  
Northern District of Texas, Dallas.

Before GARWOOD, DENNIS, and OWEN, Circuit Judges.

**JUDGMENT**

This cause was considered on the record on appeal and was argued by counsel.

It is ordered and adjudged that the judgment of the District Court is reversed and judgment is rendered in favor of the defendants-appellants.

IT IS FURTHER ORDERED that plaintiffs-appellees pay to defendants-appellants the costs on appeal to be taxed by the Clerk of this Court.

ISSUED AS MANDATE: OCT 12 2007

A True Copy  
Attest

Clerk, U.S. Court of Appeals, Fifth Circuit

By: Nina R. Martin  
Deputy  
OCT 12 2007

New Orleans, Louisiana

***United States Court of Appeals***

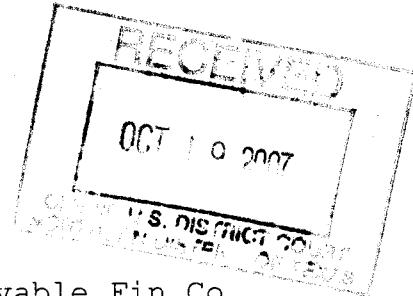
FIFTH CIRCUIT  
OFFICE OF THE CLERK

**CHARLES R. FULBRUGE III**  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE  
NEW ORLEANS, LA 70130

October 12, 2007

Ms Karen S Mitchell, Clerk  
Northern District of Texas, Dallas  
United States District Court  
Room 1452  
1100 Commerce Street  
Dallas, TX 75242



No. 05-10265 Allstate Ins Co v. Receivable Fin Co  
USDC No. 3:01-CV-2247-N

Enclosed, for the district court only, is a certified copy of the judgment issued as the mandate.

Enclosed, for the district court only, is a copy of the court's opinion.

Record/original papers/exhibits to be returned.

Enclosed for the district court and counsel is the approved bill of costs.

Sincerely,

CHARLES R. FULBRUGE III, Clerk

*Gina Randazzo Martin*

By:

Gina Randazzo Martin, Deputy Clerk  
504-310-7687

cc: w/encl:

Honorable David C Godbey  
Mr P Michael Jung  
Mr Bret Weatherford  
Mr Charles T Frazier Jr  
Mr Richard Keys Disney  
Mr Richard E Young  
Mr Mark David Downey

P.S. to Judge Godbey: A copy of the opinion was sent to your office via email the day it was filed.

MDT-1

**United States Court of Appeals**

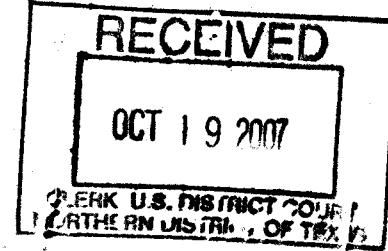
FIFTH CIRCUIT  
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE  
NEW ORLEANS, LA 70130

October 16, 2007

Ms Karen S Mitchell, Clerk  
Northern District of Texas, Dallas  
United States District Court  
Room 1452  
1100 Commerce Street  
Dallas, TX 75242



No. 05-10265 Allstate Ins Co v. Receivable Fin Co  
USDC No. 3:01-CV-2247-N

The following are returned:

Supplemental Record, ( 18 ) Vols.

Original Exhibits, ( 6 ) Boxes ( 1 ) Env.  
( ) Package ( ) Roll

The electronic copy of the record has been recycled.

19 tr  
12 sealed  
8 brown  
2 exhibit +  
REC-3  
CDO

Sincerely,

CHARLES R. FULBRUGE III, Clerk

*Gina Rancazzo Martin*

By:

*Gina Rancazzo Martin, Deputy Clerk*  
504-310-687